

# Notice of Allowability

Application No.

10/692,627

Examiner

Faye Francis

Applicant(s)

LEE ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Terminal Disclaimer filed on 9/13/04.
2. ☒ The allowed claim(s) is/are 1-21.
3. ☒ The drawings filed on 24 October 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

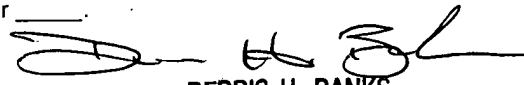
Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

  
DERRIS H. BANKS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3700

## **DETAILED ACTION**

### ***Allowable Subject Matter***

1. Claims 1-21 are allowed.

### ***Reasons For Allowance***

2. The following is an examiner's statement of reasons for allowance: a review of the claims and the applicant's argument indicates that the claims distinguish over the prior art of record. The objection to the specification on the ground that the specification does not provide antecedent basis for the requirement in claim 5 that the second member comprises a second material having a second melting point that is higher than the first melting point and rejected under 35 U.S.C. 112, first paragraph for new matter are hereby withdrawn [note the applicant comments on page 5 first full paragraph]. Also, withdrawal of all outstanding rejections is warranted in this case [note the applicant comments on page 3 and 4].

Claim 1 has been found to be allowable over the prior art of record because the prior art fails to teach or suggest a toy figure having a limb with one or more joints, the limb comprising: a first member having a proximal end comprising a disk, a second member having a proximal end and a distal end, the proximal end of the second member molded within the distal end of the first member, a third member having a proximal end and a distal end, the distal end of the third member rotatably connected to the proximal end of the first member, the third member comprising a pair of shells and having concealed means for securing the shells together, a fourth member having a proximal end and a distal end, the distal end of the fourth member captured by the

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proximal end of the third member and concealed means at the proximal end of the third member for capturing the fourth member, in combination with the remaining limitations of the claim.

Claim 9 has been found to be allowable over the prior art of record because the prior art fails to teach or suggest a toy figure having a limb with one or more joints, the limb comprising: a first member having two shells and concealed means for securing the shells together, a one-piece second member having a rotational member at its proximal end, a receiving cavity at the distal end of the first member sized and shaped to receive the rotational member, a one-piece third member with a proximal end and a distal end, the proximal end of the third member including means integral with the third member for pivotally connecting the third member to the distal end of the second member, in combination with the remaining limitations of the claim.

### ***Conclusion***


3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Faye Francis whose telephone number is 703-306-5941. The examiner can normally be reached on M-F 6:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mickey Yu can be reached on 703-308-2672. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

FF

  
DEBRIS H. BANKS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3700